U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 1999-10770

PROJECT LOCATION INFORMATION:

New York State: County: Westchester

Center coordinates of site (latitude/longitude): lat:40-58-11.6400 lon:73-53-4.5600

Approximate size of area (parcel) reviewed, including uplands: 4.6 acres. Name of nearest waterway: Unnamed wetland adjacent to the Hudson River HUDSON RIVER - YONKERS TO POUGHKEEPSIE Name of watershed:

JURISDICTIONAL DETERMINATION

BASIS

Completed:	Desktop determination Site visit(s)	[] [X]	Date: Date(s): September 9, 1999
Jurisdictional I	Determination (JD):		
United State] there appear to be (or) [] there appear to be no "waters of the ted States" on the project site. A preliminary JD is not appealable
[X] Approved J. Check all the		pealable a	netion (Reference 33 CFR part 331).
	"navigable waters of the Un e reviewed area. Approxima		s" (as defined by 33 CFR part 329 and associated guidance) jurisdictional area:
	e "waters of the United State area. Approximate size of j		ined by 33 CFR part 328 and associated guidance) within the nal area: 1.45 Acres
			aters or wetlands" within the reviewed area. ry Bird Rule Information Sheet for Determination of No Jurisdiction
A. Waters define [] The presence	of waters that are subject to	as "navi the ebb a	gable waters of the United States": and flow of the tide and/or are presently used, or have been used ort interstate or foreign commerce.
[](1) The prese interstate	ence of waters, which are cu	rrently use ling all wa	waters of the United States": ed, or were used in the past, or may be susceptible to use in tters which are subject to the ebb and flow of the tide. rstate wetlands ¹ .
sandflats, destructio	wetlands, sloughs, prairie pon n of which eould affect inter	tholes, wo state com	lakes, rivers, streams (including intermittent streams), mudflats, of meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): to or foreign travelers for recreational or other purposes.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetland is adjacent to the Hudson River.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Lateral Extent of Jurisdiction: (Reference: 33 CF [X] Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the bank [X] the presence of litter and debris [X] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	FR parts 328 and 329) [] High Tide Line indicated by: [] oil or seum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mcan High Water Mark indicated by: [] survey to available datum; [] physical mark:	ings; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached we applicant's agent.	etland delineation map and/or in a delineation report prepared by: The
the United States: [] Waste treatment systems, including treatment [] Artificially irrigated areas, which would rever [] Artificial lakes and ponds created by excavati retain water and which are used exclusively for rice growing. [] Artificial reflecting or swimming pools or oth by excavating and/or diking dry land to retain [] Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel to abandoned and the resulting body of water me 328.3(a). [] Isolated, intrastate wetland with no nexus to it.	the basis of 33 CFR part 328.3(a)(3). In that the following waters present on the site are not Waters of ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. In and/or diking dry land to collect and for such purposes as stock watering, irrigation, settling basins, or the small ornamental bodies of water created in water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for anless and until the construction or excavation operation is eets the definition of waters of the United States found at 33 CFR interstate commerce. The Natural Resources Conservation Service. Explain rationale:
[X] Maps, plans, plots or plat submitted by or on be [X] Data sheets prepared/submitted by or on behalf of a line office concurs with the delineation report [1] This office does not concur with the delineation [2] This office does not concur with the delineation [3] Data sheets prepared by the Corps. [3] Corps' navigable waters' studies: [4] U.S. Geological Survey Hydrologic Atlas: [5] U.S. Geological Survey 7.5 Minute Topographic [6] U.S. Geological Survey 7.5 Minute Historic quadr [7] U.S. Geological Survey 15 Minute Historic quadr [8] U.S. Geological Survey 15 Minute Historic quadr [9] U.S. Geological Survey 16 Minute Historic quadr [9] U.S. Geological Survey 17 Minute Historic quad	half of the applicant. of the applicant. t, dated , prepared by (company): on report, dated , prepared hy (company): maps: lrangles: rangles: oil Survey:

DATA

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegeration, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2004-00095

PROJECT LOCATION INFORMATION:

State: New York
County: Warren

Center coordinates of site (latitude/longitude): lat:43-26-28.8600 lon:73-39-2.1960

Approximate size of area (parcel) reviewed, including uplands: 0.44 acres.

Name of nearest waterway: Dunham Brook Name of watershed: LAKE CHAMPLAIN

Dealeron determination

JURISDICTIONAL DETERMINATION

Completed

Completed.	Site visit(s)		Date(s):
Jurisdictional	Determination (JD):		
United Stat			[X] there appear to be (or) [] there appear to be no "waters of the ted States" on the project site. A preliminary JD is not appealable
[] Approved J Check all the		ealable a	ction (Reference 33 CFR part 331).
	re "navigable waters of the Un he reviewed area. Approxima		es" (as defined by 33 CFR part 329 and associated guidance) jurisdictional area:
[] There as	re "waters of the United States	s" (as defi	ned by 33 CFR part 328 and associated guidance) within the

Innuary 22, 2004

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

[] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.

reviewed area. Approximate size of jurisdictional area: .

- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairic potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (eheck all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination. The waters in the wetland, as well Dunham Bay Brook, flow into Lake George, which flows in the LaChute River, which drains into Lake Champlain, which is considered to be navigable.

	Lateral Extent of Jurisdiction: (Reference: 33 CFI	R parts 328 and 329)
	[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[X] clear, natural line impressed on the bank	[] oil or seum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] ehanges in the character of soil	[] physical markings/eharacteristics
	[] destruction of terrestrial vegetation	[] tidal gages
	[] shelving	[] other:
	[] other:	(] omer
	[] other.	
	[] Mean High Water Mark indicated by:	
	[] survey to available datum; [] physical marking	ngs; [] vegetation lines/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wet	tland delineation map and/or in a delineation report prepared by: LA
	Group	
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 Cl	FR part 328(a)(1 - 2 pr 4-7)
	[] Headquarters declined to approve jurisdiction on t	
		that the following waters present on the site are not Waters of
	the United States:	
	[] Waste treatment systems, including treatment p	
	[] Artificially irrigated areas, which would revert	
	[] Artificial lakes and ponds created by excavating	
		r such purposes as stock watering, irrigation, settling basins, or
	rice growing.	
	[] Artificial reflecting or swimming pools or othe	
	by excavating and/or diking dry land to retain	
	[] Water-filled depressions created in dry land inc	cidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel ur	nless and until the construction or excavation operation is
	abandoned and the resulting body of water mee 328.3(a).	ets the definition of waters of the United States found at 33 CFR
	[] Isolated, intrastate wetland with no nexus to in	terstate commerce
		Natural Resources Conscrvation Service. Explain rationale:
	[] That converted croptains, as determined by the	Traducal Resources Conservation Service. Explain failonate.
	[] Non-tidal drainage or irrigation ditches excavat	ted on dry land. Explain rationale:
	[] Other (explain):	
DATA	REVIEWED FOR JURISDICTIONAL DETERMINA	ATION (mark all that apply):
	[X] Maps, plans, plots or plat submitted by or on beh	
	Data sheets prepared/submitted by or on behalf of	
	[] This office concurs with the delineation report,	• •
	[] This office does not concur with the delineation	
	[] Data sheets prepared by the Corps.	troport, dated , propared by (company).
	[] Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Atlas:	
	[X] U.S. Geological Survey 7.5 Minute Topographic	maner Lake Coores Quad
	[] U.S. Geological Survey 7.5 Minute Historic quadra	
	[] U.S. Geological Survey 15 Minute Historic quadra	
	[] USDA Natural Resources Conservation Service So	il Survey:
	[] National wetlands inventory maps:	
	[] State/Local wetland inventory maps:	
	[] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[] Other photographs (Date):	
	[] Advanced Identification Wetland maps:	
	[] Site visit/determination conducted on:	
	Applicable/supporting case law:	
	[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-00675 PROJECT LOCATION INFORMATION: New York State: County: Orange Center coordinates of site (latitude/longitude): lat:41-17-9.0240 lon:74-21-37.1520 Approximate size of area (pareel) reviewed, including uplands: 39.44 acres. Name of nearest waterway: Unnamed Tributary to Stony Creek HUDSON RIVER - YONKERS TO POUGHKEEPSIE Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: [X] Site visit(s) Date(s): July 28, 2004 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Cheek all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 6.77 aeres.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined nnder 33 CFR part 329 as "navigable waters of the United States":

[] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

[] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

[] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [1] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or eould be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include unnamed tributary to Stony Creek, which flows to Wheeler Creek, which flows to the Wallkill River, which flows to Rondout Creek, which flows to the Hudson River, which is navigable.

Lateral Extent of Jurisdiction: (Reference: 33 CFR [X] Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the bank [X] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	parts 328 and 329) [] High Tide Line indicated hy: [] oil or seum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	s; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetl	land delineation map and/or in a delineation report prepared by:
the United States: [] Waste treatment systems, including treatment por [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating retain water and which are used exclusively for some rice growing. [] Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain w. [] Water-filled depressions created in dry land incident the purpose of obtaining fill, sand, or gravel unlead abandoned and the resulting body of water meets 328.3(a). [] Isolated, intrastate wetland with no nexus to interpretations.	e basis of 33 CFR part 328.3(a)(3). That the following waters present on the site are not Waters of ands or lagoons, pursuant to 33 CFR part 328.3. To upland if the irrigation ceased. The analysis of analysis and analysis and to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created after for primarily aesthetic reasons. The dental to construction activity and pits excavated in dry land for east and until the construction or excavation operation is at the definition of waters of the United States found at 33 CFR restate commerce.
[X] Maps, plans, plots or plat submitted by or on behal [X] Data shects prepared/submitted by or on behal [X] Data shects prepared/submitted by or on behalf of the sheets prepared of the sheets prepared by the Corps. [A] This office does not coneur with the delineation of the sheets prepared by the Corps. [A] Corps' navigable waters' studies: [A] U.S. Geological Survey Hydrologic Atlas: [A] U.S. Geological Survey 7.5 Minute Topographic many and the storic quadranted of the sheet shee	f of the applicant. the applicant. lated , prepared by (company): report, dated , prepared by (company): aps: Warwick, NY tigles: gles: l Survey: Orange County, NY

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means hordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-01234 PROJECT LOCATION INFORMATION: State: New York County: Rockland Center coordinates of site (latitude/longitude): lat:41-7-0.0120 lon:73-55-59.9880 Approximate size of area (parcel) reviewed, including uplands: 11.86 aeres. Name of nearest waterway: Kill Von Beaste Name of watershed: HACKENSACK RIVER JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date: Site visit(s) [X]Date(s): December 3, 2004 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2.5 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial scas. [] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes ehecked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetland is adjacent to Congers Lake which is tributary to the Hackensack River, a navigable water of the US.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] ehanges in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
shelving	[] other:
[] other:	[] viner.
[] other.	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical marking	s; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wet	land delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFI	R part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the	
	that the following waters present on the site are not Waters of
the United States:	F F
[] Waste treatment systems, including treatment po	ands or Jagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert t	
[] Artificial lakes and ponds created by excavating	
	such purposes as stock watering, irrigation, settling basins, or
rice growing.	such purposes as stock watering, irrigation, setting basins, of
[] Artificial reflecting or swimming pools or other	small ornamental hodies of water created
by excavating and/or diking dry land to retain w	
	dental to construction activity and pits excavated in dry land for
	ess and until the construction or exeavation operation is
	s the definition of waters of the United States found at 33 CFR
328.3(a).	onetote commerce
[] Isolated, intrastate wetland with no nexus to inte	
	Natural Resources Conscrvation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavate	d on dry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	VINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behalf	
[X] Data sheets prepared/submitted by or on behalf of	
[] This office concurs with the wetland report, date	
[] This office does not concur with the delineation	
Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
U.S. Geological Survey Hydrologic Atlas:	
[] U.S. Geological Survey 7.5 Minute Topographic ma	ads:
[] U.S. Geological Survey 7.5 Minute Historic quadran	
[] U.S. Geological Survey 15 Minute Historic quadran	
[] USDA Natural Resources Conscrvation Service Soil	
[] National wetlands inventory maps:	
[X] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: 3 December	2004
[] Applicable/supporting case law:	200.
[] Other information (please specify):	
[] Other information (piease specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands scparated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-01312 PROJECT LOCATION INFORMATION: State: New Jersey County: Union Center coordinates of site (latitude/longitude): lat:40-40-59.0160 lon:74-9-59.0040 Approximate size of area (parcel) reviewed, including uplands: 5 aeres. Name of nearest waterway: Bound Brook NEWARK BAY Name of watershed: JURISDICTIONAL DETERMINATION Desktop determination Completed: Date: March 3, 2005 X Site visit(s) Γ1 Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.25 [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate eommerce including any such waters (eheck all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Freshwater wetland adjacent to Bound Brook, tidal waters subject of ebb and flow.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (6) The presence of territorial seas.

Lateral Ext	ent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
	High Water Mark indicated by:	[] High Tide Line indicated by:
	natural line impressed on the bank	[] oil or scum line along shore objects
	resence of litter and debris	[] fine shell or debris deposits (foreshore)
	es in the character of soil	[] physical markings/characteristics
	ection of terrestrial vegetation	[] tidal gages
[] shclvi		[] other:
[] other:		
[] Mean Hi	gh Water Mark indicated by:	
	-	gs; [] vegetation lines/changes in vegetation types.
[] 541 70	, to available datain, [] physical marking	55, [] regetation inters changes in regetation types.
[X] Wetland	boundaries, as shown on the attached wet	land delineation map and/or in a delineation report prepared by:
Basis For N	ot Asserting Jurisdiction:	
	ewed area consists entirely of uplands.	
	confirm the presence of waters in 33 CF	R part 328(a)(1, 2, or 4-7).
	ters declined to approve jurisdiction on th	
		that the following waters present on the site are not Waters of
the Unite	•	that the following waters present on the site are not waters of
		onds or lagoons, pursuant to 33 CFR part 328.3.
	cially irrigated areas, which would revert t	,
	cial lakes and ponds created by exeavating	
		such purposes as stock watering, irrigation, settling basins, or
	rowing.	
[] Artific	cial reflecting or swimming pools or other	small ornamental bodies of water created
by exc	cavating and/or diking dry land to retain w	vater for primarily aesthetic reasons.
[] Water	-filled depressions created in dry land inci	idental to construction activity and pits exeavated in dry land for
		less and until the construction or excavation operation is
	oned and the resulting body of water meet	ts the definition of waters of the United States found at 33 CFR
	ed, intrastate wetland with no nexus to inte	erstate commerce.
		Natural Resources Conservation Service. Explain rationale:
[]		
[] Non-ti	idal drainage or irrigation ditches excavate	ed on dry land. Explain rationale:
[] Other	(explain):	
DATA REVIEWED I	FOR JURISDICTIONAL DETERMINAT	FION (mark all that apply):
	ans, plots or plat submitted by or on beha	
	ets prepared/submitted by or on behalf of	
	office concurs with the delineation report,	
	office does not concur with the delineation	
		report, dated , prepared by (company).
	ets prepared by the Corps.	
	vigable waters' studies:	
	logical Survey Hydrologic Atlas:	
	logieal Survey 7.5 Minute Topographic ma	·
	logical Survey 7.5 Minute Historic quadra	
[] U.S. Geo	logical Survey 15 Minute Historic quadran	ngles:
[] USDA Na	atural Resources Conservation Service Soil	l Survey:
[] National	wetlands inventory maps:	
	al wetland inventory maps:	
	RM maps (Map Name & Date):	
	Floodplain Elevation is: (NGVD)	
	otographs (Name & Date):	
	otographs (Name & Date):	
	I Identification Wetland maps:	
	determination conducted on:	
	e/supporting case law:	
[] Other info	ormation (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like arc also adjacent.